

Attorney Docket No.: GIS298A

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS: Moutsarsos *et al.*

SERIAL NO.: 09/148,234 GROUP NO.: 1636

FILING DATE: September 4, 1998 EXAMINER: Sandals, W.

TITLE: GENETICALLY ENGINEERED CELLS WHICH EXPRESS
BONE MORPHOGENETIC PROTEINS

CERTIFICATE OF FIRST CLASS MAILING UNDER 37 C.F.R. 1.8

I hereby certify that this correspondence, and any document(s) referred to as enclosed herein, is/are being deposited with the United States Postal Service as first class mail, postage prepaid, in an envelope addressed to the Assistant Commissioner for Patents, Washington, DC, 20231, on this 17th day of October, 1999.

Alison M. Higginbottom
Alison M. Higginbottom

Assistant Commissioner for Patents
Washington, D.C. 20231
BOX DD

Sir:

Submitted herewith are:

1. Information Disclosure Statement (2 pages)
2. PTO Form 1449 (3 pages)
3. Transmittal Form (1 page)
4. Fee Transmittal Form and duplicate (1 page each)
5. Copies of IDS citations (A1-A7, B1-B13, C1-C28)
6. Return receipt postcard

GI 5298A

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Moutsatsos *et al.* #24

Serial No. : 09/148,234 Examiner: Sandals, W.

Filed : September 4, 1998 Art Unit: 1636

Title : GENETICALLY ENGINEERED CELLS WHICH EXPRESS BONE MORPHOGENETIC PROTEINS

Commissioner of Patents and Trademarks
Washington, D.C. 20231

**INFORMATION DISCLOSURE STATEMENT
ACCOMPANYING FORM PTO-1449**

In accordance with the provisions of 37 C.F.R. §§ 1.56 and 1.97, 1.98(d) Applicants herewith submit the publications and/or patents shown on the attached form PTO-1449, for consideration by the Examiner in connection with the examination of the above-identified patent application.

In accordance with the provisions of 37 C.F.R. § 1.97, this statement is being filed (CHECK ONE):

- (1) within three (3) months of the **Filing Date** or before the mailing date of the **First Office Action on the merits**; or
- (2) after the period defined in (1) but before the mailing date of a **Final Rejection** or **Notice of Allowance**, and the requisite **Certification** or fee under Rule 1.17(p), namely \$240.00, is included herein; or
- (3) after the mailing date of a **Final Rejection** or **Notice of Allowance** but before the payment of the **Issue Fee**, and the requisite **Certification**, **petition**, and **petition fee** are included herein.

USSN: 09/148,234
Page 2

It is respectfully requested that each of the documents shown on the attached form PTO-1449 be made of record in this application.

Early examination and allowance of the present application are respectfully solicited.

Respectfully submitted,

Barbara A. Gyure

Barbara A. Gyure
Reg. No. 34,614
Attorney for Applicants
(617) 665-8653

American Home Products Corporation
Patent Law Department, 2B
One Campus Drive
Parsippany, New Jersey 07054

GREENLEE, WINNER AND SULLIVAN, P.C.

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Telephone (303) 499-8080
Fax (303) 499-8089

FAX RECEIVED

NOV 30 2001

GROUP 1600

FACSIMILE COVER SHEET

DATE: November 30, 2001
TOTAL NO. PAGES: 11 including cover page
TO: Examiner W. Sandals
FIRM NAME: U.S. Patent and Trademark Office
FACSIMILE NUMBER: (703) 308-4242
FROM: Donna M. Ferber
RE: USSN: 09/148,234
Our Docket No.47-01
MESSAGE: Transmitted herewith:
Request for Initialed Form PTO-1449 (1 pg)
Return Receipt Postcard date stamped 10/14/99 (1 pg)
Transmittal Form for IDS (1 pg)
Fee Transmittal dated 10/12/99 (1 pg)
Certificate of 1st Class Mailing dated 10/12/99 (1 pg)
Information Disclosure Statement (2 pgs)
Form PTO 1449 (3 pgs)

If transmission is unclear or incomplete, please telephone (303) 499-8080 immediately and ask for Brenda, or fax 303-499-8089.

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OFFICIAL

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Ioannis Moursatos et al. : Group Art Unit: 1636

Serial No.: 09/148,234 : Examiner: W. Sandals

Filed: September 4, 1998 :

For: GENETICALLY ENGINEERED
CELLS WHICH EXPRESS BONE
MORPHOGENETIC PROTEINS

REQUEST FOR INITIALED FORM PTO-1449

Commissioner for Patents
Washington, D.C. 20231

Sir:

Applicants respectfully request that the Examiner provide an initialed Form PTO-1449 to acknowledge that the references filed on October 12, 1999 have been considered. Copies of the Return Receipt Postcard, Transmittal form, Certificate of Mailing under 37 C.F.R. 1.8, Information Disclosure Statement, and Form PTO-1449 are attached hereto.

It is believed that no fee is due with this submission; however, if this is incorrect, please deduct from Deposit Account No. 07-1969 the appropriate fee for this submission and any extension of time required.

Respectfully submitted,

Donna M. Ferber
Reg. No. 33,878

GREENLEE, WINNER AND SULLIVAN, P.C.
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Boulder, CO 80303
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Facsimile: (303) 499-8089
Email: winner@greenwin.com

Attorney Docket No.:47-01
bmk: November 30, 2001

CERTIFICATE OF TRANSMISSION

I hereby certify that this correspondence is being transmitted by facsimile to the U.S. Patent and Trademark Office at 703-308-4242.

30 November 2001
Date

B. Krage
B. Krage

PATENT

Serial No. 09/148,234 Doc. No. 615798A Atty/Sec. AG/anth Date _____Inventor MOUTSATSOS ET AL.Title GENETICALLY ENGINEERED CELLS WHICH EXPRESS BONE MORPHOGENETIC PROTEINS

The following has been received in the U.S. Patent and Trademark office on the date stamped hereon.

- pp. Spec., claims(1-), Abstract
 pp. Sequence ID Listing/Computer Diskette
 pp. Statement re Sequence ID Listing
 pp. Declaration/Power of Attorney
 shts. Informal/Formal Drawings
 pp. Assignment Transmittal
 pp. Extension of Time (duplicate)
 X 5 pp. Information Disclosure Statement
with PTO-1449 and 48 references
- pp. Preliminary Amendment
 pp. Amendment/Response
 pp. Declaration/Exhibits
 X 1 pp. Transmittal Letter (duplicate)
 pp. Appeal Brief (triplicate)
 X 1 p. Fee Transmittal letter (duplicate)
 Issue Fee Transmittal (duplicate)
 Notice of Appeal (triplicate)
 Maintenance Fee 3.5 7.5 11.5

X CERTIFICATE OF FIRST
CLASS MAILING (1 PAGE)

The Patent and Trademark Office is respectfully requested to place its stamp on this postal card
and place it in the outgoing mail.

JC711 U.S. PTO



10/14/99

Express Mail Label No. _____

Respectfully,
Genetics Institute, Inc.



**TRANSMITTAL
FORM**

Application Serial Number	09/148,234
Filing Date	September 4, 1998
First Named Inventor	Moutsatsos
Group Art Number	1636
Examiner Name	Sandals, W.
Attorney Docket No.	GI 5298A

ENCLOSURE (check all that apply)

<input checked="" type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Response to Missing Parts / Incomplete Application	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Check Attached		
<input checked="" type="checkbox"/> Copy of Fee Transmittal Form	<input type="checkbox"/> Copy of Notice of File Missing Parts of Application (PTO-1553)	<input type="checkbox"/> Appeal Communication to Group (<i>Appeal Notice, Brief, Reply Brief</i>)
<input type="checkbox"/> Amendment/Response	<input type="checkbox"/> Formal Drawing(s)	<input type="checkbox"/> Status Letter
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition Routing Slip (PTO/SB/60) and Accompanying Petition	<input checked="" type="checkbox"/> Return Receipt Postcard
<input type="checkbox"/> Affidavits /declaration(s)	<input type="checkbox"/> To Convert to a Provisional Application	<input checked="" type="checkbox"/> Certificate of First Class Mailing under 37 C.F.R. 1.8
<input type="checkbox"/> Letter to Official Draftsperson including Drawings [Total Sheets <u> </u>]	<input type="checkbox"/> Associate Power of Attorney	<input type="checkbox"/> Additional Enclosure(s) (<i>please identify below</i>)
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Terminal Disclaimer	
<input checked="" type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Executed Declaration and Power of Attorney for Utility or Design Patent Application	
<input checked="" type="checkbox"/> Form PTO-1449	<input type="checkbox"/> Small Entity Statement	
<input checked="" type="checkbox"/> Copies of IDS Citations (A1-A7, B1-B13, C1-C28)	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Certified Copy of Priority Documents(s)	<input type="checkbox"/> After Allowance Communication to Group	

CORRESPONDENCE ADDRESS	SIGNATURE BLOCK
Direct all correspondence to: American Home Products Corporation One Campus Drive, 2B Parsippany, NJ 07054	Respectfully submitted,  Date: _____ Reg. No.: 34,614,665 Barbara A. Gyure Tel. No.: (617) 876-8653 Attorney for Applicants Fax No.: (617) 876-5851

FEE TRANSMITTAL

TOTAL AMOUNT OF PAYMENT (\$ 240.00)

Complete if known	
Application Number	9/148,234
Filing Date	September 4, 1998
First Named Inventor	Moutsatsos
Group Art Unit	1636
Examiner Name	Sandals, W.
Attorney Docket Number	GI 5298A

METHOD OF PAYMENT (check one)

1. The Commissioner is hereby authorized to charge indicated fees and credit any over payments to:

Deposit Account

07-1060

Number
Deposit Account

Genetics Institute, Inc.

Name

Charge Any Additional Charge the Issue Fee Set in 37

Fee Required Under 37 CFR 1.18 at the mailing of the Notice of Allowance, 37 CFR 1.311 (b)

2. Payment Enclosed:

Check Money Other

FEE CALCULATION (fees effective 10/01/97)

1. FILING FEE

Large Entity Fee	Small Entity Fee	Fee Description	Fee Paid
Code (\$)	Code (\$)		
101 760	201 380	Utility filing fee	
106 310	206 155	Design filing fee	
107 580	207 290	Plant filing fee	
108 790	208 395	Reissue filing fee	
114 150	214 75	Provisional filing fee	

SUBTOTAL (1) (\$ 0.00)

2. CLAIMS

Total Claims	Extra	Fee from below	Fee Paid
Independent	-20 =	0 X \$18.00	= 0.00
Claims	-3 =	0 X \$78.00	= 0.00
Multiple Dependent Claim(s), If any		\$260.00	= 0.00

Large Entity Small Entity

Large Entity Fee	Small Entity Fee	Fee Description	Fee Paid
Code (\$)	Code (\$)		
103 18	203 8	Claims in excess of 20	
102 78	202 39	Independent claims in excess of 3	
104 270	204 135	Multiple dependent claim	
109 82	209 41	Reissue independent claims over original patent	
110 22	210 11	Reissue claims in excess of 20 and over original patent	

SUBTOTAL (2) (\$ 0.00)

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity Fee	Small Entity Fee	Fee Description	Fee Paid
Code (\$)	Code (\$)		
105 130	205 65	Surcharge - late filing fee or oath	
127 50	227 25	Surcharge - late provisional filing fee or cover sheet	
139 130	139 130	Non-English specification	
147 2,520	147 2,520	For filing a request for reexamination	
112 920*	112 920*	Requesting publication of SIR prior to Examiner action	
113 1,840*	113 1,840*	Requesting publication of SIR after Examiner action	
115 110	215 55	Extension for response within first month	
116 380	216 180	Extension for response within second month	
117 870	217 435	Extension for response within third month	
118 1,360	218 680	Extension for response within fourth month	
119 300	219 150	Notice of Appeal	
120 300	220 150	Filing a brief in support of an appeal	
121 260	221 130	Request for oral hearing	
138 1,510	138 1,510	Petition to institute a public use proceeding	
140 110	240 55	Petition to revive unavoidably abandoned application	
141 1,320	241 660	Petition to revive unintentionally abandoned application	
142 1,320	242 660	Utility issue fee (or reissue)	
143 450	243 225	Design issue fee	
144 670	244 335	Plant issue fee	
122 130	122 130	Petitions to the Commissioner	
123 50	123 50	Petitions related to provisional applications	
126 240	126 240	Submission of Information Disclosure Stmt	240.00
581 40	581 40	Recording each patent assignment per property (times number of properties)	
146 780	246 395	Filing a submission after final rejection (37 CFR 1.129(a))	
149 790	249 395	For each additional invention to be examined (37 CFR 1.129 (b))	
Other fee (specify) _____			
Other fee (specify) _____			

SUBTOTAL (3) (\$ 240.00)

* Reduced by Basic Filing Fee Paid

SUBMITTED BY

Typed or Printed Name	Complete (if applicable)		
Barbara A. Gyure			34,614
Barbara A. Gyure	Oct. 12, 1998		07-1060
		Deposit Account User ID	